

NATIVE VILLAGE OF NUIQSUT *et al.*,
Plaintiffs,
v.
BUREAU OF LAND MANAGEMENT *et al.*,
Defendants,
and
CONOCOPHILLIPS ALASKA, INC.,
Intervenor-Defendant.

BUREAU OF LAND MANAGEMENT *et al.*,
Defendants,
and
CONOCOPHILLIPS ALASKA, INC.,
Intervenor-Defendant.

I, Richard G. Steiner, hereby declare as follows:

1. I live in Anchorage, Alaska, and have been a resident of Alaska since 1978. I first lived in Kodiak, then Kotzebue (on the Chukchi Sea), then Cordova, and since 1996 have lived in Anchorage.
2. I am a member of the Center for Biological Diversity, and have been a member for over 15 years. I rely on the Center to help represent my interests in protection of the environment through advocacy and the enforcement of our environmental laws.
3. I served as a professor on the University of Alaska faculty from 1980–2010, with the School of Fisheries and Ocean Sciences. Subsequently, I have served as a consultant through my organization Oasis Earth, primarily on oil and gas impact issues globally, including Arctic drilling issues.
4. I have been professionally involved in the Arctic for decades. My first posting with the University was as the first Marine Advisor for the Arctic, stationed in Kotzebue on the Chukchi Sea coast, where I served from 1980-1982. During that time I traveled extensively across Arctic Alaska, delivering educational workshops in coastal villages on natural resource topics.
5. I produced and hosted two statewide public television shows that discussed drilling in the Arctic National Wildlife Refuge, both part of the Alaska Resource Issues Forum televised debate series. The first was entitled “The Arctic National Wildlife Refuge,” aired in 1987. The second was entitled “The Future of Oil in America’s Arctic,” aired in 1999.

6. I have authored many publications pertaining to the Arctic, with a particular focus on the detrimental effects of oil development, shipping and climate change. I have also taught classes and workshops on the natural resources, fisheries and marine mammals of Alaska, as well as climate change and endangered species, among other topics.

7. I also served as the University of Alaska's marine advisor for the Prince William Sound (PWS) region on the south coast of Alaska from 1983 to 1996. I was directly involved in most aspects of the Exxon Valdez Oil Spill (EVOS) in 1989, including serving on the emergency response team in Valdez, helping to develop the Oil Pollution Act of 1990, proposing a settlement of all government claims against Exxon, and helping to found the PWS Regional Citizens Advisory Council and PWS Science Center.

8. I have consulted for governments, the U.N., industry, and non-governmental organizations on oil and oil spill issues globally, including in Nigeria, Mauritania, the Canary Islands, the Middle East, Russia, China, Pakistan, the Caspian Sea (Azerbaijan and Kazakhstan), the Baltic Sea, Finland, New Zealand, Canada, the U.K., Norway, Australia, Solomon Islands, and across the U.S. I have worked on oil pipeline integrity, oil spill issues, and served as an expert witness in oil spill cases in the Niger Delta, Nigeria. In 1999, I joined two other international colleagues to conduct the first independent review of the Sakhalin Island/Sea of Okhotsk, Russia oil development oil spill risk and spill risk mitigation plans. In 2003, I served (in Irkutsk, Siberia and Ulan

Ude, Buryatia) as an international expert with the Public Expertisa Review of the environmental assessment for the proposed Russia-China oil pipeline across Siberia. I have conducted many workshops on the risks of oil development across the Russian Far East and Siberia (and elsewhere).

9. I served on the 2004/2005 Independent Scientific Review Panel constituted by the International Union for the Conservation of Nature (IUCN), sponsored by Shell, to provide advice on reducing risk and impact of the Sakhalin II offshore oil drilling project in the Sea of Okhotsk, Russia. At the time, I visited the offshore drilling rig Molikpaq in the Sea of Okhotsk northeast of Sakhalin Island, as well as other onshore infrastructure. I advised media and NGOs during the 2010 Deepwater Horizon oil spill in the U.S. Gulf of Mexico. I served as an expert witness for an offshore drilling case currently in consideration in New Zealand, conducted a technical review of risks of deepwater drilling in the Great Australian Bight, and advised the government of Solomon Islands and U.N. on the recent Solomon Trader oil spill. In my current role with Oasis Earth, I have reviewed environmental statements for Arctic drilling off Greenland, Norway, Canada and Alaska, the oil spill contingency plan of the Arctic Council, and published reviews. In 2007, I first proposed establishment of an Arctic Regional Citizens' Advisory Council to give local Arctic stakeholders a more direct oversight role in any and all Arctic oil and gas development, shipping, and other offshore industrial activities. In 2012, I was an invited expert witness to the UK Parliament's House of Commons Environmental Audit Committee on "Protecting the Arctic."

10. All of these experiences—especially those relating to EVOS and Deepwater Horizon—have informed my stance on oil exploration and development in the Arctic. I can attest with certainty that the risk of a major spill is real, and there would be little possibility of effective containment or environmental restoration from such an event. In PWS, at 60° N. latitude, EVOS oil remains in beach substrates today, 30 years later, and it is still relatively toxic and un-weathered. Many of the injured fish and wildlife populations and habitats in the spill region have yet to fully recover, and some are still listed by the government Trustee Council as “Not Recovering.” Today, 30 years after the spill first occurred, the genetically unique AT1 killer whale population is expected to become extinct, due to the loss of reproductive females in the oil spill, and pigeon guillemots, Pacific herring, and marbled murrelets remain listed as “Not Recovering.” Thus, it is clear that major oil spills in pristine, sensitive high-latitude environments can cause long lasting, and permanent, ecological damage.

11. I am therefore actively working to prevent oil and gas companies from drilling in the Arctic Ocean, as I feel the risk is simply too great. I am advocating a prohibition on any Arctic Ocean drilling, or at very least, the best and safest technology and oversight (reducing risk to “As Low As Possible” or “ALAP”) in Arctic Ocean drilling because I have personally witnessed the consequences of corporate and governmental negligence and the “consequent loss of a coastal ecosystem integrity – PWS due to the EVOS. As the University of Alaska marine advisor for the PWS region

before the 1989 Exxon Valdez grounding I attempted to remedy several of the risks of oil transportation, only partially successfully.

12. In addition to my work on risk reduction standards, I also published opinion pieces about the future of the Arctic in the *Los Angeles Times* and *Huffington Post*. I regularly speak out against Arctic drilling, spill risk and climate risk to media outlets. I present the *Imperiled Arctic* public presentation highlighting the beauty of the Arctic, its ecological values, and the risks of drilling there. I delivered *Imperiled Arctic* as the keynote address at the Georgetown University Earth Day event in Washington DC, other venues in Alaska, and at 2019 Earth Day events in Seldovia and Homer, Alaska.

13. In addition to my professional interest in the prevention of high-risk, unwise and unnecessary oil development, I also have a deep personal interest in the Arctic. I initiated the marine mammal program in the University of Alaska Marine Advisory Program, and taught “Marine Mammals of Alaska” in many places. I also conducted a workshop series on offshore oil drilling in several Chukchi Sea and northern Bering Sea villages. I have also spent time along the Beaufort Sea coast, observing polar bears at Barter Island.

14. I also organized Arctic offshore sea ice minimum over-flights in 2008 and 2009 with the U.S. Coast Guard (using a C-130 based in Kodiak). We flew scientists and media observers several hundred miles offshore of the north coast, to observe ice conditions during the sea ice minimum (September), as well as the behavior and distribution of polar bears, walruses, and seals at these times.

15. I have observed marine mammals several times, including polar bears in the Beaufort Sea during our Coast Guard sea ice flights in 2008 and 2009. Perhaps my fondest memories of the Arctic Ocean are from the early 1980s. Flying over drift ice, and observing hundreds of ringed seals along drift ice leads, was quite spectacular. As well, I have greatly enjoyed observing ugruk (bearded seals), and polar bears on sea-ice flights more recently.

16. I also have considerable backcountry experience in the Arctic wilderness: I floated the upper part of the Noatak River in Gates of the Arctic National Park; floated most of the Utukok River on the western Arctic Slope to Kasegaluk Lagoon and Pt. Lay on the Arctic coast; floated the length of the Mackenzie River in Arctic Canada, west across the Rat River pass, then down the Bell, Porcupine, and Yukon rivers all the way to the Bering Sea, over 2,000 miles; hiked across the entire Arctic National Wildlife Refuge (south-to-north) from Arctic Village to Barter Island; and recently hiked in the northwestern Brooks Range to observe the western Arctic caribou herd migration and grizzly bears.

17. I hope to visit the western Arctic again soon to observe the wildlife there, including caribou. As well, I intend to continue pressing for the establishment of an Arctic Regional Citizen's Advisory Council to provide stakeholder engagement in oil and gas development.

18. Seeing Arctic wildlife, and acknowledging their intrinsic right to exist, such as caribou and polar bears is one of the primary values I hold in protecting wild places in

the Arctic. Oil and gas drilling activities clearly threaten these animals, would result in significant disturbance, and will diminish the wilderness quality of the area today. This in turn will harm my interests in the Arctic. And it is not simply my ability to see these animals in the wild that I am concerned with, but even more so with their ability to live in their home habitat absent the degradation that comes with industrial activity. These animals have an inherent right to exist in at least some of their historic range absent the disturbance of oil development.

19. Approval of ConocoPhillips's 2018-19 winter exploration plan threatens the Arctic values I hold dear. The project involves a large network of oil wells, ice roads, ice pads and the expansion of oil activity into previously undeveloped areas of the NPR-A — our country's largest roadless area. It also prolongs the threat of disruptive industrial oil activities in the Arctic. This imposes unnecessary environmental risk to the Arctic ecosystem. I feel a major spill from the project is too great a risk, even if such a project were to use an ALAP risk reduction standard. And the Arctic environment is simply too sensitive and already stressed due to loss of sea ice, permafrost, and other effects of climate change to subject to such unnecessary additional risk. If there is a spill, they will not contain or recover much of the oil, the ecological damage could be catastrophic and long-lasting, and there would be nothing that could be done to restore the injured ecosystem.

20. In addition, new oil exploration and development in the Arctic will continue our energy path toward uncontrolled climate change, and delay our necessary

transition to low-carbon energy, necessary for climate stability, which is the number one goal for the Arctic's sustainable future. And, even if everything goes right, ConocoPhillips's drilling activities would create noise pollution, air pollution, water pollution, and habitat damage that would harm caribou and other wildlife already at risk from climate change.

21. For all of these reasons, the Bureau of Land Management's decision to approve ConocoPhillips's 2018-19 exploration plan directly harms me, and my interests in this special region. It threatens harm to Arctic wildlife such as caribou, and therefore my interests in these important and iconic animals. It would also compromise my professional efforts to protect the Arctic from the type of devastating oil spill we saw with the Exxon Valdez and Deepwater Horizon, as well as my efforts to address climate change and additional unsustainable fossil fuel development.

22. In my time living along and later visiting the Arctic Ocean, I came to appreciate the special wildness and remoteness of the region, its productive ecosystems, and fragility. I think preserving Arctic wild places and wildlife, both onshore and offshore, is a priority global conservation issue. I have spent many days observing Arctic wildlife and vast landscapes and seascapes from the ground, air, and from boats, and I appreciate each and every encounter I have had, and will continue to have, with Arctic wildlife.

I declare under penalty of perjury that the foregoing declaration is true and correct.

Dated: May 22, 2019

By: Richard Steiner
Richard G. Steiner